## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UN | IITED STATES OF AMERICA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | )                                                                                                                                                                                                                                                                                                         |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | Plaintiff,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ) 8:06CR314<br>)                                                                                                                                                                                                                                                                                          |
|    | vs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ) DETENTION ORDER                                                                                                                                                                                                                                                                                         |
| RA | FAEL ADAME-MILLAN,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                           |
|    | Defendant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | }                                                                                                                                                                                                                                                                                                         |
| A. | . Order For Detention  After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on September 28, 2006, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                           |
| B. | <ul> <li>Statement Of Reasons For The Detention</li> <li>The Court orders the defendant's detention because it finds:         <ul> <li>X</li> <li>By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.</li> <li>X</li> <li>By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                           |
| C. | inding Of Fact the Court's findings are based on the evidence which was presented in court and ontained in the Pretrial Services Report, and includes the following:  X (1) Nature and circumstances of the offense charged:  X (a) The crime: a conspiracy to distribute and possess with intent to distribute methamphetamine (Count I) in violation of 21 U.S.C. § 846 carries a minimum sentence of five years imprisonment and a maximum of forty years imprisonment; the distribution of methamphetamine (Count IV and V) and the possession with intent to distribute methamphetamine (Count VI) in violation of 21 U.S.C. § 841(a)(1) each carry a maximum sentence of twenty years imprisonment.  (b) The offense is a crime of violence.  (c) The offense involves a narcotic drug.  (d) The offense involves a large amount of controlled substances, to wit:  (2) The weight of the evidence against the defendant is high.  X (3) The history and characteristics of the defendant including: |                                                                                                                                                                                                                                                                                                           |
|    | (a) General Factors:  The defendant a may affect wheth  X The defendant h  X The defendant h  X The defendant h  X The defendant h  X The defendant is  X The defendant of ties.  Past conduct of The defendant h  The defendant h                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. In some substantial financial resources and a long time resident of the community. How does not have any significant community. |

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|                                                                                                           | The defendant has a prior record of failure to appear at                                                  |  |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--|
| (h) At                                                                                                    | court proceedings. the time of the current arrest, the defendant was on:                                  |  |
| (b) At                                                                                                    | Probation                                                                                                 |  |
|                                                                                                           | Parole                                                                                                    |  |
|                                                                                                           | Release pending trial, sentence, appeal or completion of                                                  |  |
|                                                                                                           | sentence.                                                                                                 |  |
| (c) Otl                                                                                                   | ner Factors:                                                                                              |  |
|                                                                                                           | The defendant is an illegal alien and is subject to                                                       |  |
|                                                                                                           | deportation.                                                                                              |  |
|                                                                                                           | The defendant is a legal alien and will be subject to                                                     |  |
|                                                                                                           | deportation if convicted.                                                                                 |  |
| _>                                                                                                        | The Bureau of Immigration and Custom Enforcement                                                          |  |
|                                                                                                           | (BICE) has placed a detainer with the U.S. Marshal.                                                       |  |
|                                                                                                           | Other:                                                                                                    |  |
| V (A) The matine and environment of the decrease and by the defendant's                                   |                                                                                                           |  |
|                                                                                                           | re and seriousness of the danger posed by the defendant's                                                 |  |
| release al                                                                                                | re as follows: The nature of the charges in the Indictment.                                               |  |
| X (5) Rebuttable Presumptions                                                                             |                                                                                                           |  |
| X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied |                                                                                                           |  |
|                                                                                                           | owing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)                                          |  |
|                                                                                                           | Court finds the defendant has not rebutted:                                                               |  |
|                                                                                                           | at no condition or combination of conditions will reasonably                                              |  |
|                                                                                                           | sure the appearance of the defendant as required and the safety                                           |  |
|                                                                                                           | any other person and the community because the Court finds that                                           |  |
| the                                                                                                       | e crime involves:                                                                                         |  |
|                                                                                                           | (1) A crime of violence; or                                                                               |  |
|                                                                                                           | (2) An offense for which the maximum penalty is life                                                      |  |
|                                                                                                           | imprisonment or death; or                                                                                 |  |
| <u>X</u>                                                                                                  |                                                                                                           |  |
|                                                                                                           | penalty of 10 years or more; or                                                                           |  |
|                                                                                                           | (4) A felony after the defendant had been convicted of two                                                |  |
|                                                                                                           | or more prior offenses described in (1) through (3)                                                       |  |
|                                                                                                           | above, and the defendant has a prior conviction for one                                                   |  |
|                                                                                                           | of the crimes mentioned in (1) through (3) above which                                                    |  |
|                                                                                                           | is less than five years old and which was committed                                                       |  |
| X (b) Th                                                                                                  | while the defendant was on pretrial release. at no condition or combination of conditions will reasonably |  |
| assure the appearance of the defendant as required and the safe                                           |                                                                                                           |  |
|                                                                                                           | the community because the Court finds that there is probable                                              |  |
|                                                                                                           | use to believe:                                                                                           |  |
|                                                                                                           | (1) That the defendant has committed a controlled                                                         |  |
|                                                                                                           | substance violation which has a maximum penalty of                                                        |  |
|                                                                                                           | 10 years or more.                                                                                         |  |
|                                                                                                           | (2) That the defendant has committed an offense under 18                                                  |  |
|                                                                                                           | U.S.C. § 924(c) (uses or carries a firearm during and in                                                  |  |
|                                                                                                           | relation to any crime of violence, including a crime of                                                   |  |
|                                                                                                           | violence, which provides for an enhanced punishment                                                       |  |
|                                                                                                           | if committed by the use of a deadly or dangerous                                                          |  |
|                                                                                                           | weapon or device).                                                                                        |  |

## **DETENTION ORDER - Page 3**

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- Pretrial Services shall obtain a substance abuse evaluation and provide a report to the court with a copy to counsel.

DATED: September 28, 2006. BY THE COURT:

> s/Thomas D. Thalken United States Magistrate Judge